

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LUKE LEFEVER,

4:20CV3066

Plaintiff,

**MEMORANDUM
AND ORDER**

vs.

IVAN CASTELLANOS, et al.,

Defendants.

Plaintiff has filed a motion for temporary restraining order and preliminary injunction “against the Department of Corrections, Director Frakes, TSCI Warden Gable, TSCI Associate Warden Crueshank, and TSCI Mail staff for the confiscation and potential destruction of electronically stored evidence on a DVD” that was sent to Plaintiff in discovery by Defendant Castellanos’ attorney. (Filing 74.) The Court does not have the power to order the Department of Corrections or any other non-party not to dispose of the DVD, which Plaintiff states was confiscated as “held mail.” *See, e.g., Mays v. Sherburne Cty. Jail*, No. 020CV00506PAMKMM, 2020 WL 4218806, at *3 (D. Minn. July 23, 2020) (court had no personal jurisdiction over Bureau of Prisons or BOP officials, and thus could not enter a preliminary injunction to require them to allow pro se prisoner sufficient library time to prepare his case against a county jail); *Lavery v. Dhillon*, No. 213CV2083MCEACP, 2016 WL 4522146, at *2 (E.D. Cal. Aug. 29, 2016) (“[T]he court is unable to grant injunctive relief against plaintiff’s physical therapist and other medical staff because they are not parties to the instant lawsuit. A district court has no authority to grant relief in the form of a temporary restraining order or permanent injunction where it has no jurisdiction over the parties.”), *report and recommendation adopted*, No. 213CV2083MCEACP, 2016 WL 5661739 (E.D. Cal. Sept. 30, 2016); *Porter v. Shumake*, No. 6:15-cv-113), 2016 WL 1611596, at *5 (S.D. Ga. Apr. 22, 2016) (“Because the Defendants that would be responsive to the preliminary injunction are not parties to this action, this Court lacks jurisdiction to enter any restraining order or injunction against them.”), *recommendation adopted by* No. 6:15-cv-113, 2016 WL 3647635 (S.D. Ga. Jun. 30, 2016).

IT IS THEREFORE ORDERED that Plaintiff's motion for temporary restraining order and preliminary injunction (Filing 74) is denied in all respects.

Dated this 21st day of December 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge